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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,093	04/11/2001	Shigeo Ishikawa	Q64059	8684

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

NGUYEN, KHIEM D

ART UNIT PAPER NUMBER

2823

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/832,093

Applicant(s)

ISHIKAWA, SHIGEO

Examiner

Khiem D Nguyen

Art Unit

2823

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 30 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-5 and 7-14.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


W. DAVID COLEMAN
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: In response to applicant's argument that claim 1 was amended by incorporating the subject matter of original claim 6 and claim 6 was canceled, applicants submit that under such circumstances, it is not proper for the Examiner to make the next Office Action relying on newly cited art final unless amendments were made to the claims, which necessitated application of the art submitted, examiner respectfully disagree, since the previous claims do not preclude a film being formed across the whole wafer. The claims do not provide any evidence that the nozzle is smaller than the wafer nor does the limitations in the claims indicate any physical size of the orifice in the nozzle to imply any physical feature. The term "initial film is formed on a wafer" and the term "initial film is formed on a center region of a wafer" are clearly different.

In response to applicant's argument that Li et al. neither teaches nor suggests step (a) of the claimed invention of starting a supply of reaction gas at a first flow rate into a chamber in which a plasma is formed, such that an initial film is formed on a center of a wafer via a first nozzle provided on the chamber above the center region of the wafer, examiner respectfully disagree, Li discloses a method of forming a film, comprising the steps of (a) starting a supply of a reaction gas at a first flow rate into a chamber (FIG. 3: 18) in which a plasma is formed, such that an initial film is formed on a substrate via a first nozzle provided on the chamber above the center region of the substrate and (b) starting a supply of the reaction gas at a second flow rate into the chamber in which the plasma is formed, after the step (a), while the supply of the reaction gas at the first flow rate continues such that the film is formed on the initial film (page 3, paragraph [0028] and FIG. 3). Nozzles (FIG. 3: 56, 64) positioned over the center of the substrate (FIG. 3: 20) inherently producing the film on the center region. Additionally, Li has the same reaction gas flowing from (FIG. 3: 34a) and (FIG. 3: 56) using different flow rates (a mixture of gases from source (FIG. 3: 58)) and also allows the user to optimize different start times by using different controllers (FIG. 3: 37, 60) for the reaction gases for desired results. For these reasons, the rejection is considered proper.